

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
AUG 30 2013

PAUL CLARENCE BAILEY,
Plaintiff,

v.

~~COLLIN COUNTY, TEXAS~~
~~CITY OF FRISCO~~
~~CITY OF FRISCO POLICE DEPARTMENT~~
~~DALLAS, TEXAS~~
~~DALLAS COUNTY JAIL~~
~~FRISCO POLICE CHIEF TODD RENSHAW~~
~~FRISCO POLICE OFFICER SCOTT GREER~~
~~FRISCO POLICE SERGEANT BRIAN SARTAIN~~
TEXAS DEPARTMENT OF CRIMINAL JUSTICE)
JPAY.COM
Defendants.

Case No.

4:13cv518

Judge Clark

Severed

from

4:13cv502

COMPLAINT

Now, comes Plaintiff Paul Clarence Bailey, having suffered extensively at the hands of the Defendants, files suit for violations of the Civil Rights Act of 1964 section 1983 and Civil Rights Act of 1871.

Due to repeated cruel and unusual punishments, and repeated relocations that interrupt cognate and constant communications with friends and family members to assist in perfecting submission(s) to the court, and deliberate interruptions and/or improperly administered, required medication(s) and/or supplementations that are life sustaining!

The Plaintiff/Defendants, has via the aforementioned civil rights violations, threatened the life of this Plaintiff/Defendant upon numerous occasions and such as are documented facts within this motion validated by the advert of several emergency transports to hospital(s) neccasitated to stabilize Plaintiff/Defendants life threatening vital statistics due to "withheld without cause" needed medication/supplementation.

Included with this motion is Plaintiff's affidavit of fact. See Attachment 1.

Certain substantiating documents and/or medical reports are not submitted only due to T.D.C.J.'s refusal to supply them to this inmate contrary to multiple requests and Texas and Federal Law mandates! Said copies are readily available, however this Plaintiff pleads that to obtain such will require a court order as all of the exhaustive efforts by this Plaintiff have not

been responded to in any manner!

In addition, there have been numerous interruptions of both telecommunication and U.S. postal correspondences between myself and Mrs. Michaelis that has facilitated innumerable last minute, rushed correspondences to insure proper and/or timely filing(s) related to both Plaintiff/Defendants pro se' criminal and civil cases.

I plead the Court's Indulgence as I have been deprived of medication for over 4 weeks now regardless of filing Grievances and trying to get help inside the prison.

Thus Done and Signed on the 19 day of Sept 2013,

RESPECTFULLY SUBMITTED:
PAUL CLARENCE BAILEY, Pro Se

By:  _____

PAUL CLARENCE BAILEY, Pro Se

#01833504

~~998 County Road AA~~

~~Plainview, TX 79072~~

James Lynaugh Unit
1098 South Highway 2037
Ft Stockton TX 79735

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS SERVED BY U.S. MAIL ON THE
DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE, 133 NORTH RIVERFRONT BOULEVARD, LB 19, DALLAS,
TEXAS, 75207, ON THIS _____ DAY OF _____, 2013

By: _____
PAUL CLARENCE BAILEY, Pro Se

I was brought to the Montford facility of T.D.C.J. on Friday July 12, 2013 at approx. 7 P.M. after having my third disagreement with the medical staff concerning three continual attempts to manipulate my medication, in particular my weekly injections of testosterone, at Formby.

The problem has in fact now accumulated to the fifth such disagreement and/or verbal and written altercation, beginning with my arrival at the Middleton Unit, and the latest such attempt by the medical staff at the Formby Unit. It was the Formby Unit's medical staff that facilitated my transfer to the Montford Unit, and orchestrated an unqualified request.

I have decided to document the series of events for both legal purposes, and my readers in a combination Post on Frisepoul and to properly document with the appropriate authorities of responsibility, within T.D.C.J., all of the pertinent events accurately. Therefore I now make the following statement for the official record as a precursor to any legal action I may take in the immediate future, to provide clarity, as to the events that have led unto what can only be perceived as retribution upon myself by the staff at T.D.C.J., because of my repeated attempts to insure that my medical requirements, ~~has~~ as provided by competent and qualified medical doctors/specialist while I have been incarcerated, at the direction of the Endocrinology Dept. at Parkland Hospital, Dallas, for the State of TEXAS (author and recognized provider by the State, highly accredited).

I shall attempt to provide T.D.C.J. with a copy of this statement to my assigned physician/psychiatrist Dr. McDonald, to insure fairness in my attempt to follow the assigned method of protocol as my "Grievance" have not been addressed to in a timely matter as prescribed in the "Offenders Handbook".

Also, it is my intention to perpetuate my own "Grievance" into a much needed Class Action Lawsuit, in order to provide relief to the numerous pris within T.D.C.J., in but not limited to the units at Middleton, Formby and now to include the Montford unit, because of their not having moved me to the "Medical" part of the Montford Unit from the psychiatric section ^{even} after being sent here under false pretenses and a proper evaluation pertaining to my psychiatric condition in accordance to my threatening physical harm to another offender" and/or staff member or being have attempted to harm myself.

Therefore, it is the aforementioned paragraph that defines the premise for my filing for a legal remedy, on behalf of myself and whenever may be deemed an appropriated harmed plaintiff.

Furthermore, although this legal remedy may name Dr. McDonald as my responsible and/or evaluating Psychiatrist, he is not deemed to have been a party to the obvious retaliation on myself or others having attempted to cause me grave harm to my physical well being and/or cause of cruel and unusual punishment, Nor is Melvin Sandoval of the Formby Unit. Dr. McDonald being at the facility at Montford. Neither Sandoval or McDonald are and/or will be defendants in this legal process.

Set forth are the particulars as the events that "accentuate" this claim of cruel and unusual punishment retaliation by members of T.D.C.J. staff and violation of my civil rights to proper medical care as provided by both the U.S. Constitution and State of TEXAS Constitution and/or Bill of Rights. No claim is made at this time pertaining to the particulars that may more properly define the violations of law and/or infringements made on my personal rights, be they civil or criminal! A proper discovery and/or testimony will be required to ascertain the depth of contribution and/or violation by the particular staff, officials and/or medical providers will ultimately be resolved via proper legal venue.

It is necessary to first preface the vital importance to my needs (having been substantiated by numerous endocrinologists and internists), testosterone injections as an ongoing medical treatment, as prescribed after proper medical and laboratory procedures, for the rest of my life. My condition is "testicular atrophy" caused by an inguinal hernia strangulation. My testosterone production for all intent and purposes is nil! There are numerous medical evaluations that document this fact. "Testicular atrophy" means essentially that my body no longer produces ~~testosterone~~ ^{testosterone} on its own, a vital hormone that perpetuates further proper hormonal functions required by many other hormonal organs in ^{harmony} ~~harmony~~ to insure an overall healthy body. The improper amount ^{produced by the body} and/or the interruption of the proper medically induced dosage via injections facilitate a substantial loss of proper bodily functions, including both physical stamina and mental alertness as well as possible death.

The aforementioned within itself should alert the medical staff at TDCJ that my prognosis is one that requires due diligence in maintaining what **QUALIFIED** medical specialist have already diagnosed and prescribed. Certainly no LVN, RN and/or PA is qualified to ascertain the level and/or treatment consistency required. Yet TDCJ's medical staff of only LVN, RN and/or PA has attempted and actually accomplished altering my prescribed dosage multiple times! A certain notation must be made that "testicular atrophy" is NO reversible, and can only be treated by supplementation/injections for the remainder of my life!

TDCJ's medical staff has altered, discontinued and attempted to fool me with a injection that was a hoax (being an empty and/or very minimal amount syringe used in an injection). The original prescribed dosage of 1 cc of 200mg/ml testosterone cypionate per week was first changed to 4 cc 100mg/ml injection per month, 100mg/ml injection weekly, then interrupted at various times not yet specified, is in fact, ^{still} one half ($\frac{1}{2}$) the amount prescribed by Parkland Hospital!

The repeated attempts by TDCJ's medical staff to reevaluate my prognosis improperly with "lab tests" prompted a vile and unsolicited altercation upon myself by officer Ginkiner at the Family Unit and has since perpetuated numerous retaliation acts upon myself that violates multiple civil rights and are the subject of numerous "Grievances" filed by myself. Grievances that shall require

offices involved in the forthcoming legal action to be filed by the prisoner in the future. No final declaration as to the length and or merits of the aforementioned civil or criminal violation perpetrated on myself, Paul Clarence Bailey TDCJ #0833504, nor are they limited to improper medical care, retaliation and/or cruel and unusual punishment, are yet determined. I Paul Clarence Bailey TDCJ #0833504 ^{move to end of statement this page} attest to the accuracy and truthfulness of this statement. A Affidavit. The premise of my action will be "Malice Intent" and carries no protection under official immunity.

Furthermore, it is the position of this Prisoner Defendant that these actions are deliberate by the State of Texas to cause and/or facilitate my ability to coherently do myself by purposely causing loss of physical and mental ^{abilities} and/or stamina ^{facilities}. a further gross injustice upon myself to cover up multiple maltreatment and perpetuates any and/or all ^{acts} of Malicious prosecution!

Paul Clarence Bailey

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Insert
Three
pages

It is imperative that I emphasize that my being sent here even now is not at all an act of retribution, as since arriving I have been told by other prisoners and staff that it is often done to prisoners as a means of retaliation and/or punishment. One must conclude however that it is done only as a recourse when no other viable option remain within the confines of proper TDCJ guidelines. In other words it is a course of action taken to punish someone that has successfully lodged a legitimate complaint that does not allow for disciplinary actions taken against the prisoner, as the staff has no other way in order to vent their frustration and/or anger being properly admonished for violating a prisoner's rights.

When a prisoner does not respond in an aggressive manner to loud vulgar language, a staff member getting directly in the face of a prisoner threatening him/her physical harm and/or being segregated in lock-up, they commonly use a trip to Montford Psychiatric facility as a means to extract pleasure/relief for their frustration or not being able to provoke a prisoner into an actual physical altercation. Altercation that no prisoner can possibly win as they are ppearsprayed, clubbed and/or physically slammed to the concrete floor (mostly after being handcuffed) by multiple officers, if not at least ^{and/or} also put in solitary confinement or have their privileges ^{outside} revoked, such as commissary, recreation and/or telephone. When sent to the Psychiatric ~~psy~~ facility a prisoner automatically loses all privileges, regardless. If and until I am transferred it is now entering 7 days since arrival and I have no (3)

is served often in ~~the~~ ones cell, with no options other
to me yet) so commissary is imperative to my health as a food
source. As a pro se defendant being able to communicate
concerning my day to day legal responsibilities is absolutely
necessary.

This obvious retaliation, I reiterate, is a gross violation
of my civil rights. I have requested daily as to my transfer
to "the ward" and/or medical section where I can have access
to all of the above, but have yet not been accommodated
and fear the retaliation goes on in spite of Dr Armstrong
attempts to remedy the situation. I am confident that though
staff here (Mottford) may attempt to remedy the situation they may not
be able to, leaving me to return to Forney's wrath & thus accomplishing the
intended retaliation!

INTERCOM

→ Here -

And then

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